

VEHICLE CODE (75 PA.C.S.) - SCHOOL, EXAMINATION OR HEARING ON
ACCUMULATION OF POINTS OR EXCESSIVE SPEEDING, DRIVING WHILE
OPERATING PRIVILEGE IS SUSPENDED OR REVOKED AND ESTABLISHMENT
OF SCHOOLS

Act of Nov. 3, 2022, P.L. 1783, No. 120

Cl. 75

Session of 2022

No. 2022-120

HB 1958

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; and, in licensing of drivers, further providing for school, examination or hearing on accumulation of points or excessive speeding, for driving while operating privilege is suspended or revoked and for establishment of schools.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read: § 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

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"Driver improvement school." A program for educating drivers through a department-developed or approved curriculum that may be presented either by the department or by a third party approved by the department under section 1549 (relating to establishment of schools).

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Section 2. Sections 1538 and 1543(c) of Title 75 are amended to read:

§ 1538. School, examination or hearing on accumulation of points or excessive speeding.

(a) Initial accumulation of six points.--

(1) When any person's record for the first time shows [as many as six points] **an accumulation of six or more points**, the department shall require the person to attend [an approved] **a driver improvement school** or undergo a special examination and shall so notify the person in writing. **The person may elect to attend a driver improvement school or undergo a special examination but shall not be permitted to both attend the school and undergo a special examination.**

(2) Upon satisfactory attendance and completion of the **driver improvement school** course or upon passing the special examination[,]:

(i) two points shall be removed from the person's record[,], **if the person elected to take the special examination; or**

(ii) **four points shall be removed from the person's record, if the person elected to attend a driver**

improvement school and completed the school's requirements.

(3) Failure to attend and satisfactorily complete the requirements of a driver improvement school **or pass the special examination** shall result in the suspension of such person's operating privilege [for 60 days. Failure to pass the examination shall result in the suspension of the operating privilege until] **until:**

(i) **the person attends and satisfactorily completes the requirements of a driver improvement school; or**

(ii) the examination has been satisfactorily completed.

(b) **Second and subsequent** accumulation of six points.--

(1) When any person's record has been reduced below six points and for the second **or subsequent** time shows [as many as six points] **an accumulation of six or more points**, the department shall require the person to attend a departmental hearing[. The hearing examiner may recommend one or more of the following:

(i) That the person be required to attend a driver improvement school.] **and a driver improvement school and shall notify the person in writing. In addition, a hearing examiner may recommend one or more of the following:**

(ii) That the person undergo an examination as provided for in section 1508 (relating to examination of applicant for driver's license).

(iii) That the person's driver's license be suspended for [a]:

(A) **a period not exceeding 15 days[.], if the person's record for a second time shows an accumulation of six or more points ; or**

(B) **a period not exceeding 30 days, if the person's record for a third or subsequent time shows an accumulation of six or more points.**

(2) The department may effect or modify the recommendations of the hearing examiner but may not impose any sanction not recommended by the hearing examiner.

(3) Upon completion of the sanction or sanctions imposed by the department, two points shall be removed from the person's record.

(4) Failure to attend the hearing or [to attend and satisfactorily complete the requirements of a driver improvement school shall result in the suspension of such person's operating privilege for 60 days. Failure to pass an examination] **comply with the requirements of this subsection** shall result in the suspension of [such] **the person's operating privilege until [the examination has been] the requirements of this subsection have been** satisfactorily completed.

[(c) Subsequent accumulations of six points.--When any person's record has been reduced below six points and for the third or subsequent time shows as many as six points, the department shall require the driver to attend a departmental hearing to determine whether the person's operating privilege should be suspended for a period not to exceed 30 days. Failure to attend the hearing or to comply with the requirements of the findings of the department shall result in the suspension of the operating privilege until the person has complied.]

(d) Conviction for excessive speeding.--

(1) When any person is convicted of driving 31 miles per hour or more in excess of the speed limit, the department shall require the person to attend a departmental hearing[. The hearing examiner may recommend one or more of the following:

(i) That the person be required to attend a driver improvement school.] **and attend a driver improvement school and shall notify the person in writing. In addition, a hearing examiner may recommend one or more of the following:**

(ii) That the person undergo an examination as provided for in section 1508.

(iii) That the person have his driver's license suspended for a period not exceeding 15 days.

(2) The department shall effect at least one of the sanctions but may not increase any suspension beyond 15 days.

(3) Failure to attend the hearing or [to attend and satisfactorily complete the requirements of a driver improvement school shall result in the suspension of such person's operating privilege for 60 days. Failure to pass an examination] **comply with the requirements of this subsection** shall result in the suspension of such person's operating privilege until [the examination has been] **the requirements of this subsection have been** satisfactorily completed.

(e) Additional suspension of operating privilege.--

(1) In addition to any other provisions of law relating to the suspension or revocation of operating privileges, a person's operating privileges shall be suspended under any of the following circumstances:

(i) Prior to reaching age 18, the person violates section 3362 (relating to maximum speed limits) by traveling 26 miles per hour or more over the posted speed limit and the violation results in a conviction, guilty plea or plea of no contest before or after the person reaches age 18.

(ii) The person accumulates six or more points under the provisions of section 1535 (relating to schedule of convictions and points) and the violations resulting in points accumulation were committed before the person reached age 18.

(2) The first suspension under paragraph (1) shall be for a period of 90 days with every subsequent suspension under paragraph (1) to be for a period of 120 days. Suspensions under paragraph (1) shall be imposed consecutively to each other and to any other suspension. A suspension under paragraph (1) shall be considered a subsequent suspension even if it is imposed contemporaneously with a first suspension imposed under paragraph (1).

§ 1543. Driving while operating privilege is suspended or revoked.

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(c) Suspension or revocation of operating privilege.--Upon receiving a certified record of the conviction or adjudication of delinquency of any person under this section, the department shall suspend or revoke [that] **the** person's operating privilege as follows:

(1) [If] **Except as provided for under paragraph (1.1), if** the department's records show that the person was under suspension, recall or cancellation on the date of violation, and had not been restored, the department shall suspend the

person's operating privilege for an additional one-year period.

(1.1) If the department's records show that the person was under an indefinite suspension on the date of violation for not satisfactorily completing a driver improvement school as required under section 1538 (relating to school, examination or hearing on accumulation of points or excessive speeding), and had not been restored, the department shall suspend the person's operating privilege for an additional 30-day period.

(2) If the department's records show that the person was under revocation on the date of violation, and had not been restored, the department shall revoke the person's operating privilege for an additional two-year period.

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Section 3. Section 1549(a) of Title 75 is amended and the section is amended by adding a subsection to read:

§ 1549. Establishment of schools.

(a) Driver improvement schools.--The department is authorized to establish and maintain driver improvement schools throughout this Commonwealth. The department may approve and conduct an annual review of the course material for the schools. The curriculum to be presented must be uniform throughout this Commonwealth, **except as permitted under subsection (a.1)(3)**. All instructors shall be properly certified by the department after the completion of a course of instruction approved by the department.

(a.1) Third party authorized.--The department may authorize a third party to operate a driver improvement school, in addition to a driver improvement school operated by the department, for the purpose of fulfilling the requirements of subsection (a) and section 1538 (relating to school, examination or hearing on accumulation of points or excessive speeding) as follows:

(1) The third party may include, but need not be limited to:

(i) A nationally recognized nonprofit or not-for-profit organization which provides driver education services to improve traffic safety.

(ii) A private driving school in this Commonwealth.

(2) The third party shall offer classroom instruction, online instruction or a combination of both.

(3) The department shall establish a minimum curriculum requirement that is designed to create behavioral change in the driver, but shall not require the third party to implement the same curriculum utilized by a driver improvement school operated by the department under subsection (a), provided that the curriculum of the third party meets the minimum curriculum requirements of the department.

(4) The department shall establish minimum instruction hours for a person attending a driver improvement school operated by the third party, which shall be no less than four hours and no more than eight hours and shall be consistent among all authorized third-party providers.

(5) A third party approved by the department under this subsection may be authorized to administer an end-of-course examination required under section 1538 as part of the driver improvement school, provided that the examination is the same examination administered by the department.

(6) A third party may only operate a driver improvement school if the third party has entered into an agreement with the department and the agreement is in effect.

(7) The department may, at its discretion, impose additional requirements for a third party.

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Section 4. This act shall take effect in 14 months.

APPROVED--The 3rd day of November, A.D. 2022.

TOM WOLF